

AMENDED IN ASSEMBLY APRIL 2, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1723

Introduced by Assembly Member Floyd

February 2, 1998

An act to amend Section ~~830.3~~ 830.11 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1723, as amended, Floyd. Peace officers: Industrial Medical Council.

Existing law provides that specified state employees, including, among others, designated employees of the Department of ~~Motor Vehicles~~ *Real Estate*, are *not* peace officers ~~whose but may, during the course and in the scope of their employment, exercise the powers of arrest of a peace officer, as specified, and the power to serve warrants, as specified, if they receive a course in the exercise of those powers pursuant to a specified provision of law. Their powers and authority extends extend to any place in the state for the purpose of performing their primary duty or when making an arrest.~~

This bill would include in this provision persons employed by the Industrial Medical Council of the Department of Industrial Relations whose primary duty is as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 830.3 of the Penal Code is~~

SECTION 1. Section 830.11 of the Penal Code is amended to read:

830.11. (a) The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if they receive a course in the exercise of those powers pursuant to Section 832. The authority and powers of the persons designated under this section shall extend to any place in the state:

(1) Persons employed by the Department of Financial Institutions designated by the Commissioner of Financial Institutions, provided that the primary duty of these persons shall be the enforcement of, and investigations relating to, the provisions of law administered by the Commissioner of Financial Institutions.

(2) Persons employed by the Department of Real Estate designated by the Real Estate Commissioner, provided that the primary duty of these persons shall be the enforcement of the laws set forth in Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code. The Real Estate Commissioner may designate persons under this section, who at the time of their designation, are assigned to the Special Investigations Unit, internally known as the Crisis Response Team.

(3) Persons employed by the State Lands Commission designated by the executive officer, provided that the primary duty of these persons shall be the enforcement of the law relating to the duties of the State Lands Commission.

(4) Persons employed as investigators of the Investigations Bureau of the Department of Insurance, who are designated by the Chief of the Investigations Bureau, provided that the primary duty of these persons

1 shall be the enforcement of the Insurance Code and other
2 laws relating to persons and businesses, licensed and
3 unlicensed by the Department of Insurance, who are
4 engaged in the business of insurance.

5 (5) Persons employed by the Safety and Enforcement
6 Division of the Public Utilities Commission who are
7 designated by the Director of the Safety and
8 Enforcement Division, and approved by the commission,
9 provided that the primary duty of these persons shall be
10 the enforcement of the law as that duty is set forth in
11 Section 308.5 of the Public Utilities Code.

12 (6) *Persons employed by the Industrial Medical*
13 *Council of the Department of Industrial Relations, who*
14 *are designated by the executive medical director of the*
15 *council, provided that the primary duty of these persons*
16 *shall be the enforcement of the law as that duty is set forth*
17 *in Section 139.2 of the Labor Code and other laws*
18 *governing medical evaluators in the California workers'*
19 *compensation system.*

20 (b) Notwithstanding any other provision of law,
21 persons designated pursuant to this section shall not carry
22 firearms.

23 (c) Persons designated pursuant to this section shall be
24 included as "peace officers of the state" under paragraph
25 (2) of subdivision (c) of Section 11105 for the purpose of
26 receiving state summary criminal history information
27 and shall be furnished that information on the same basis
28 as peace officers of the state designated in paragraph (2)
29 of subdivision (c) of Section 11105.

30 ~~amended to read:~~

31 ~~830.3. The following persons are peace officers whose~~
32 ~~authority extends to any place in the state for the purpose~~
33 ~~of performing their primary duty or when making an~~
34 ~~arrest pursuant to Section 836 of the Penal Code as to any~~
35 ~~public offense with respect to which there is immediate~~
36 ~~danger to person or property, or of the escape of the~~
37 ~~perpetrator of that offense, or pursuant to Section 8597 or~~
38 ~~8598 of the Government Code. These peace officers may~~
39 ~~carry firearms only if authorized and under those terms~~
40 ~~and conditions as specified by their employing agencies:~~

~~(a) Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Medical Board of California and the Board of Dental Examiners, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code. The Director of Consumer Affairs shall designate as peace officers seven persons who shall at the time of their designation be assigned to the investigations unit of the Board of Dental Examiners.~~

~~(b) Persons employed by the Industrial Medical Council of the Department of Industrial Relations, who are designated by the Executive Medical Director of the Council, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 139.2 of the Labor Code.~~

~~(c) Voluntary fire wardens designated by the Director of Forestry and Fire Protection pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of that code.~~

~~(d) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 1655 of that code.~~

~~(e) Investigators of the California Horse Racing Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of this code.~~

~~(f) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 13104 of that code.~~

1 ~~(g) Inspectors of the food and drug section designated~~
2 ~~by the chief pursuant to subdivision (a) of Section 106500~~
3 ~~of the Health and Safety Code, provided that the primary~~
4 ~~duty of these peace officers shall be the enforcement of~~
5 ~~the law as that duty is set forth in Section 106500 of that~~
6 ~~code.~~

7 ~~(h) All investigators of the Division of Labor Standards~~
8 ~~Enforcement designated by the Labor Commissioner,~~
9 ~~provided that the primary duty of these peace officers~~
10 ~~shall be the enforcement of the law as prescribed in~~
11 ~~Section 95 of the Labor Code.~~

12 ~~(i) All investigators of the State Departments of~~
13 ~~Health Services, Social Services, Mental Health,~~
14 ~~Developmental Services, and Alcohol and Drug~~
15 ~~Programs, the Department of Toxic Substances Control,~~
16 ~~and the Office of Statewide Health Planning and~~
17 ~~Development, and the Public Employees' Retirement~~
18 ~~System, provided that the primary duty of these peace~~
19 ~~officers shall be the enforcement of the law relating to the~~
20 ~~duties of his or her department, or office.~~
21 ~~Notwithstanding any other provision of law, investigators~~
22 ~~of the Public Employees' Retirement System shall not~~
23 ~~carry firearms.~~

24 ~~(j) The Chief of the Bureau of Fraudulent Claims of~~
25 ~~the Department of Insurance and those investigators~~
26 ~~designated by the chief, provided that the primary duty~~
27 ~~of those investigators shall be the enforcement of Section~~
28 ~~550 of the Penal Code.~~

29 ~~(k) Employees of the Department of Housing and~~
30 ~~Community Development designated under Section~~
31 ~~18023 of the Health and Safety Code, provided that the~~
32 ~~primary duty of these peace officers shall be the~~
33 ~~enforcement of the law as that duty is set forth in Section~~
34 ~~18023 of that code.~~

35 ~~(l) Investigators of the office of the Controller,~~
36 ~~provided that the primary duty of these investigators~~
37 ~~shall be the enforcement of the law relating to the duties~~
38 ~~of that office. Notwithstanding any other law, except as~~
39 ~~authorized by the Controller, the peace officers~~

~~1 designated pursuant to this subdivision shall not carry
2 firearms.~~

~~3 (m) Investigators of the Department of Corporations
4 designated by the Commissioner of Corporations,
5 provided that the primary duty of these investigators
6 shall be the enforcement of the provisions of law
7 administered by the Department of Corporations.
8 Notwithstanding any other provision of law, the peace
9 officers designated pursuant to this subdivision shall not
10 carry firearms.~~

~~11 (n) Persons employed by the Contractors' State
12 License Board designated by the Director of Consumer
13 Affairs pursuant to Section 7011.5 of the Business and
14 Professions Code, provided that the primary duty of these
15 persons shall be the enforcement of the law as that duty
16 is set forth in Section 7011.5, and in Chapter 9
17 (commencing with Section 7000) of Division 3, of that
18 code. The Director of Consumer Affairs may designate as
19 peace officers not more than three persons who shall at
20 the time of their designation be assigned to the special
21 investigations unit of the board. Notwithstanding any
22 other provision of law, the persons designated pursuant
23 to this subdivision shall not carry firearms.~~

~~24 (o) The chief and coordinators of the Law
25 Enforcement Division of the Office of Emergency
26 Services.~~

~~27 (p) Investigators of the office of the Secretary of State
28 designated by the Secretary of State, provided that the
29 primary duty of these peace officers shall be the
30 enforcement of the law as prescribed in Chapter 3
31 (commencing with Section 8200) of Division 1 of Title 2
32 of, and Section 12172.5 of, the Government Code.
33 Notwithstanding any other provision of law, the peace
34 officers designated pursuant to this subdivision shall not
35 carry firearms.~~

~~36 (q) The Deputy Director for Security designated by
37 Section 8880.38 of the Government Code, and all lottery
38 security personnel assigned to the California State
39 Lottery and designated by the director, provided that the
40 primary duty of any of those peace officers shall be the~~

1 ~~enforcement of the laws related to assuring the integrity,~~
2 ~~honesty, and fairness of the operation and administration~~
3 ~~of the California State Lottery.~~

4 ~~(r) Investigators employed by the Investigation~~
5 ~~Division of the Employment Development Department~~
6 ~~designated by the director of the department, provided~~
7 ~~that the primary duty of those peace officers shall be the~~
8 ~~enforcement of the law as that duty is set forth in Section~~
9 ~~317 of the Unemployment Insurance Code.~~

10 ~~Notwithstanding any other provision of law, the peace~~
11 ~~officers designated pursuant to this subdivision shall not~~
12 ~~carry firearms.~~

13 ~~(s) The chief and assistant chief of museum security~~
14 ~~and safety of the California Science Center, as designated~~
15 ~~by the executive director pursuant to Section 4108 of the~~
16 ~~Food and Agricultural Code, provided that the primary~~
17 ~~duty of those peace officers shall be the enforcement of~~
18 ~~the law as that duty is set forth in Section 4108 of the Food~~
19 ~~and Agricultural Code.~~

20 ~~(t) Employees of the Franchise Tax Board designated~~
21 ~~by the board, provided that the primary duty of these~~
22 ~~peace officers shall be the enforcement of the law as set~~
23 ~~forth in Chapter 9 (commencing with Section 19701) of~~
24 ~~Part 10.2 of Division 2 of the Revenue and Taxation Code.~~

25 ~~(u) Notwithstanding any other provision of this~~
26 ~~section, a peace officer authorized by this section shall not~~
27 ~~be authorized to carry firearms by his or her employing~~
28 ~~agency until that agency has adopted a policy on the use~~
29 ~~of deadly force by those peace officers, and until those~~
30 ~~peace officers have been instructed in the employing~~
31 ~~agency's policy on the use of deadly force.~~

32 ~~Every peace officer authorized pursuant to this section~~
33 ~~to carry firearms by his or her employing agency shall~~
34 ~~qualify in the use of the firearms at least every six months.~~

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